

## REMARKS

This application has been reviewed in light of the Office Action dated October 20, 2004. In view of the foregoing amendments and the following remarks, favorable reconsideration and withdrawal of the rejection set forth in the Office Action are respectfully requested.

Claims 1-12 are pending. Claims 6 and 12 have been withdrawn. Claims 1, 2, 6, 10 and 11 have been amended. (Pursuant to 37 C.F.R. § 1.121(c)(2), the status of Claim 6 is indicated as "Withdrawn-Currently Amended.") Support for the claim changes can be found in the original specification, e.g., at page 11, lines 26-27. Therefore no new matter has been added. Claims 1, 6, 7 and 12 are in independent form.

Initially, Applicants note with appreciation that Claims 7-11 have been allowed.

Claims 1 and 5 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Nos. 5,984,458 (*Murai*) or 6,639,340 (*Qiu et al.*). In response, Applicants respectfully submit the following remarks.

For at least the following reasons, independent Claim 1 is believed to be allowable.

One feature of the invention as set forth in independent Claim 1 is a vibrational plate having a film thickness D1, where  $100 \text{ nm} \leq D1 \leq 10 \text{ }\mu\text{m}$ . Thus, the claimed structure includes a relatively thin vibrational plate.

*Qiu et al.* relates to a piezoelectric element and manufacturing method therefor. *Qiu et al.*'s silicon monocrystal substrate 20 is cited as the claimed vibrational plate. However, according to *Qiu et al.*, the silicon monocrystal substrate 20 has a prescribed thickness of, for

example, 220  $\mu\text{m}$  (see col. 5, line 34). This is far thicker than the thickness of the vibrational plate as claimed in Claim 1. Nothing in *Qiu et al.* is understood to teach or suggest a vibrational plate having a film thickness D1, where  $100\text{ nm} \leq D1 \leq 10\text{ }\mu\text{m}$ , as claimed in Claim 1.

*Murai* relates to a piezoelectric thin-film element and ink-jet recording head using the same. *Murai*'s monocrystal silicon substrate 101 is cited as the claimed vibrational plate. However, according to *Murai*, the monocrystal silicon substrate 101 has a thickness of 220  $\mu\text{m}$  (see col. 4, line 25). This is far thicker than the thickness of the vibrational plate as claimed in Claim 1. Nothing in *Murai* is understood to teach or suggest a vibrational plate having a film thickness D1, where  $100\text{ nm} \leq D1 \leq 10\text{ }\mu\text{m}$ , as claimed in Claim 1.

Since neither *Qiu et al.* nor *Murai* is understood to teach or suggest all of the elements of independent Claim 1, that claim is believed to be allowable over the cited art.

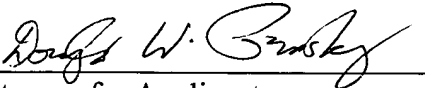
A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against independent Claim 1. That claim is therefore believed patentable over the art of record.

The other rejected claims are each dependent from independent Claim 1 and are therefore believed patentable for at least the same reasons. Since each of these dependent claims is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
Douglas W. Pinsky  
Registration No. 46,994

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
DWP/tmc

DC\_MAIN 190600v1